

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

CHRISTOPHER GOLDEN

PLAINTIFF

V.

CIVIL ACTION NO. 5:08cv156-MTP

GABRIEL WALKER, *et al.*

DEFENDANTS

ORDER CONTINUING TRIAL

THIS MATTER is before the court *sua sponte* for case management purposes, having conducted a telephonic hearing on August 25, 2009 regarding whether this case should be consolidated with Civil Action No. 5:08cv292.¹ The instant matter is currently set for trial on September 9, 2009. As discussed with the parties during the telephonic hearing, in light of the court's determination that this matter should be consolidated with 5:08cv292, the court finds it appropriate to continue the trial of this matter pending a *Spears* hearing, as well as the completion of other pre-trial matters, in 5:08cv292. Accordingly,

IT IS ORDERED that the current trial setting in this matter is continued, and the matter shall be re-set for trial by separate Order.

SO ORDERED this the 25th day of August, 2009.

s/ Michael T. Parker

United States Magistrate Judge

¹ On August 21, 2009, the court entered an Order [14] directing the parties to show cause why these matters should not be consolidated and why the trial setting in this matter should not be continued pending a *Spears* hearing, as well as the completion of other pre-trial matters in 5:08cv292. The reason for the Order was that after the instant matter was set for trial, it came to the court's attention that Plaintiff had another lawsuit pending before the court (5:08cv292) in which he makes a number of allegations very similar to those asserted in the instant lawsuit and asserts claims arising out of those allegations. Thus, given that these actions appeared to involve common questions of law or fact, as well as many of the same witnesses, it appeared that consolidation of these two actions would be appropriate.